

**U.S. Department of Labor
Occupational Safety & Health Administration**



Case File Diary

Company: Federal Correctional Institute, McKean		Location: Rt 59 & Big Shanty Road Lewis Run, PA 16738	Number: 303712673
Date:	Action:	Initials:	
4/11/03	Contact made with initial complainant via telephone. Allegations were reviewed.	BMC	
4/14/03	Enough information has been received to warrant an inspection. Complaint officially formalized.	BMC	
4/14/03	Inspection Assigned to CSHO Claybaugh	BMC	
4/14/03	OSHA Directives (FAP) and Federal Agency inspection procedures require advance notice because subject inspection will be done at a Federal Correctional Institute. Attempted to call prison and talk to the safety staff. Safety Staff was gone for the day.	BMC	
4/15/03	Steve Housler (Safety Manger) contacted the CSHO. Advanced notice provided per policy and directives.	BMC	
4/16/03	Opening conference and initial walk-around. Out-brief with Warden Lammana before leaving the site. Safety Manager Housler, Asst Warden Billisits, Asst Warden Forsythe, and Richard Yovichin (Union Pres) were also present.	BMC	
5/12/03	Recived a written 11 (c) complaint from an inmate. CSHO spoke with Ed Rhoades. Mr. Roades had CSHO fax the complaint to him. Mr. Rhoades was then going to forward the complaint to the Office of Special Counsel.	BMC	
5/14/03	Second Visit - Continued walk-around and collected wipe and bulk samples. Interviewed inmates and staff members. Out-brief with Warden Lammana before leaving the Site. Safety Manager Housler, Asst Warden Billisits, Asst Warden Forsythe, and Richard Yovichin (Union Pres) were also present.	Bmc	
5/21/03	Per discussions with AD Stranahan and AAD Burbage, air sampling needs to be conducted.	BMC	
6/8/03	Still waiting to conduct air sampling. AAD Seitz assigned to do the sampling but is on vacation and TDY.	BMC	
6/13/03	Referral for Air Sampling Submitted.	BMC	

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6/17/03	Third Visit - CSHO Claybaugh and Seitz onsite to conduct air sampling. Walk-around continued. Interviews conducted. Conducted out-brief with Assistant Warden Grim Before leaving site. Safety Manager Housler, Asst Warden Billisits, and Richard Yovichin (Union Pres) were also present.	BMC	
6/18/03	Fourth Visit - CSHO Claybaugh and Seitz conducted second day of air sampling. Walk-around continued. Interviews conducted	BMC	
7/17/03	First round of lbs submitted to AAD Burbage for review.	BMC	
7/21/03	Discussed lbs with AAD Burbage. Corrections and additions were made.	BMC	
7/31/03	AAD Seitz conducted telephone closing for his case. CSHO Claybaugh was also on the call. Air sampling results were reviewed. CSHO Claybaugh and AAD Seitz provided recommendations to reduce mechanical irritation to micoreboard.	BMC	
8/1/02	Fifth Visit to the Site for the Closing Conference - Yovichin represented the Union. Closing conducted with Steve Housler (Safety Manager) and Union President Yovichin. Warden John Lammana was present for final 15 minutes of the closing to discuss air sampling and s/h program elements. CSHO Chris Snedden accompanied CSHO Claybaugh at the Closing.	BMC	
8/13/03	CSHO contacted Steve Housler to clarify a few issues. CSHO left voicemail. Housler returned the CSHO's voicemail with his own voicemail. Housler provided a few answers.	BMC	
8/14/03	CSHO contacted Steve Housler to clarify open issues from 8/13/03. CSHO left voicemail. Steve Housler returned the CSHOs call.. Issues clarified.	BMC	
8/15/03	Ibs finalized	BMC	

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8/19/03	Remainder of case turned into supervisor for Review.	JMC	
8-19-03	Reviewed - OK to issue	BB	
8-19-03	Drafted 1960.8 Ltr. Reviewed By Seitz w/ no changes. Reviewed By Stranahan w/ minor changes.	BMC	
8-20-03	1960.8 Ltr reviewed By AD Burdette w/ no changes.	JMC	
8/20/03	CIT issued And signed By AD. CIT Prep And sent VIA FedEx. SAVE TO final / global save accomplished.	JMC	
8/20/03	1960.8 Ltr issued And signed By AD. sent VIA FedEx But under different # & package.	JMC	
8/20/03	Called Hostler to let him know CIT was on the way And to Review issued w/ him. Hostler said not in, call left voicemail.	JMC	

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9/2/03	Steve H. called OSH about citations. only issue raised was reluctance of FCI to allow inmates to do the locking out and retaining custody of locks. He said he was at a meeting with other safety officers and someone sent him a letter from OSHA that he felt would let FCI retain current practice of FCI supervisors doing the locking out. I asked him to send me the letter and I would take it under consideration. When I rec'd letter from Steve I consulted with OSHA who was already aware of letter. OSHA had consulted w/ RO & NO and all agreed this was nothing to prohibit inmates acting as authorized employees & could apply/remove locks. Letter provided by Steve did not support his position, in fact the letter strongly implied that FCI policy was consistent w/ OSHA and cited 147 items.		
9/4/03	OSH spoke w/ Steve H. & discussed the above. Although he did not fully agree, he would accept OSHA position. This will require FCI to revise procedures & policies & retrain the inmates. They most likely will also need to procure combination lock w/ key override to deal w/ circumstances described in 7/10/00 interpretation. To accomplish this Steve & I agreed to extend abate. Dates for 1070 items to 11/30/03. Steve said all other cited items were abated or would be abated by dates specified in citation.		

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9/26/03	Abate reviewed and updated in the NCR. Abatement entireties are still in place for 1-7a, 1-7b, and 1-9 (Loto issued). Cite needs to contact FCI safety manager about CIT 1-6, 1-19a, 2-1, 2-2, and 2-3. 1-19a instance has not certified. 1-6 says will install of did purchase serial LIT. 2-1 was another will. 2-2 and 2-3 did not satisfy abatement. Abatement for 1-15 provided by 1-16 and 1-17.	J	
9/26/03	Spoke w/ AD Stronach about 2-2 2-2 & 2-3. Will call FCI FCI McKean next week.	Bm	
9/29/03	Discussed case w/ AD Burge. IN agreement w/ Cite's issued on FCI's abatement submission.	Bm	
9/29/03	called Stone Harbor. Left voice mail.	Bm	
9/29/03	TE/CON w/ Gene Houser, safety manager, FCI McKean. Cite discussed problem w/ abatement language for 1-6, 2-1, 2-2, 2-3. C8/Hc also discussed 1-19a instance b, was left off the abate cert form. Revised abate cert form due by end of the week. See notes.	J	

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9/24/03	Bridal and parking are results of Telcom of issues on Abate cont problems.	Jme	
9/24/03	Revised Abate cont letter Recd. White Revised and updated in the computer. Only 6 to item remain i.e. 1-7a, 1-7b, and 1-9.	Jme	
10/21/03	Telcom w/ Steve Hovster. Steve contacted the CIO about LTR items 1-7a, 1-7b, and 1-9. Steve relayed that the LTR issue went all the way to FCI's Central office. Steve explained FCI mechanism would comply w/ the items cited by issuing the Prisoners Combo Pucks and Haps. Steve said that CIOs need to be aware that other LTR sites are not being impacted full on. CIO explained the work commenced AD consult w/ the Regional office on the issue. As a side note, Steve relayed that the items noted in the 5(c)(1) LTR have been corrected w/ Hovster relayed the Haps for the Prisoners LTRs good.	Jme	

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10/29/03	Wrote revised and discussed w/ HRP Bunkers. problem of HRP and HRTS. cover letter indicated the statement is complete. However, the statement and states "will be".	[Signature]	
10/29/03	Called Hester, safety mgr. Stein had over in. CS/10 left unknown?	[Signature]	
10/30/03	Tolson of Steve Hester. Explains that cert letter venturing issue. Steve stated that all letters for statement of 1-7a, 1-7b, and 1-9a are completed. Call Hester to record that language to indicate the issues have been stated i.e. not true.	[Signature]	
10/30/03	Revised that cert letter Hester. HRP advised statement of dated in the computer.	[Signature]	
10/30/03	Discussed case and CPT copies and of AD. OK to close out case per AD.	[Signature]	

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10/30/03	Sent A copy of cts to Ralph Arge per AD Request And Note. In LCT Side of file for note. copy of cts sent via USPS.	[Signature]	
10/31/03	Computer updated w/ info. Case Closed in computer. AD number Peterson removed on the case.	[Signature]	